

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES TUROWSKI,

Plaintiff,

- against -

TRIARC COMPANIES, INC., PETER W. MAY,
President & Chief Operating Officer, individually
and in his official capacity, and JOHN R.
BENDER, individually, and in his official capacity,

Defendants.

ECF CASE

09 Civ. 3979 (VM)(FM)

STIPULATION

USDC SDNY
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IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendants, through their respective undersigned counsel, that Defendants hereby withdraw, with prejudice, their Motion for Taxation of Costs (Docket No. 43) without costs or disbursements to any party over or against the other; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that Plaintiff will not pursue and waives his right to an appeal of any portion of this Court's January 5, 2011 Decision and Order granting Defendants' Motion for Summary Judgment in its entirety (Docket No. 41).

IT IS FURTHER HEREBY STIPULATED AND AGREED, that this matter is therefore closed in its entirety without costs or disbursements to any party over or against the other.

Dated: New York, New York
February 15, 2011

CRONIN & BYCZK, LLP

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SO ORDERED: 28 February 2011

Hon. Victor Marrero
United States District Judge